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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/902,005 07/29/97 BUTLER

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EXAMINER

TRAN, H

ART UNIT

PAPER NUMBER

2711

DATE MAILED:

06/21/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/902,005

Applicant(s)

BUTLER ET AL.

Examiner

Hai Tran

Art Unit

2711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Argument***

The declaration filed on 04/03/00 under 37 CFR 1.131 is sufficient to overcome the Eyer et al (US 5,982,445) reference.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. Claims 1-6, 11-15, and 40-43 rejected under 35 U.S.C. 102(e) as being unpatentable by Hidary et al (US 5,778,181).

Regarding claim 1, Hidary discloses a method comprising the following steps:

Transmitting a video stream (digital video signal) (Fig.1; Col. 3, lines 39-50).

Formatting supplemental data files in a graphical markup language (Web pages) (Abstract), each supplemental data file having instruction for rendering a hyperlink overlay (URL) on the video stream (Abstract);

Transmitting the supplemental data files along with video stream (Abstract and Summary).

Regarding claim 2, Hidary further discloses wherein the formatting step comprises formatting the supplemental data files in HTML (Web page) (Abstract and Col.3, 45-60).

Regarding claim 3, Hidary shows a step of transmitting timing specifications with the supplemental data files indicating times for displaying the hyperlink overlays (Hidary; Col.3, lines 60-67).

Regarding claim 4, Hidary further discloses a local PC 16 of Fig.1 which is having computer instructions for performing steps as recited in claim 1 (Col.3, lines 60-67) in which the storage medium is inherit from the PC that all PCs have a local hard drive, memory, etc...

Regarding claim 5, Hidary further discloses receiving the video stream and accompanying supplemental data files (Abstract) and (Col. 3, lines 55-61);

Displaying the hyperlink overlays (URL) in conjunction with the video stream (Abstract, Col.3, line 61- line 67).

Regarding claim 6, Hidary further discloses wherein the displaying step comprises launching an HTML compatible browser (Java enable browser) to display the hyperlink overlays (URL) (Col.4, lines 64- Col.5, line 12).

Regarding claim 11, Hidary further discloses wherein the formatting step comprises including hyperlinks in the hyperlink overlays (Hidary; Col.3, lines 55-67), the method further comprising an additional step of displaying content targeted by such hyperlinks in response to selecting such hyperlinks (Col.6, lines 1-25).

Regarding claim 12, Hidary further discloses wherein the formatting step comprises including hyperlinks in the hyperlink overlays (Hidary; Col.3, lines 55-67), the method further comprising an additional step of replacing any currently displaying content targeted by such hyperlinks in response to selecting such hyperlinks (Hidary; Col.5, lines 48-59) and (Col. 6, lines 8-25).

Regarding claim 13, Hidary further discloses wherein the formatting step comprises including hyperlinks in the hyperlink overlays (Hidary; Col.3, lines 55-67), the method further comprising an additional step of opening new viewing windows for displaying content targeted by such hyperlink (Col. 6, lines 8-25).

Regarding claim 14, Hidary further discloses wherein the formatting step comprises including hyperlinks in the hyperlink overlays (Hidary; Col.3, lines 55-67), the method further comprising an additional step of launching an application programs as required to render content targeted by such hyperlinks (Col. 6, lines 38-50).

Regarding claim 15, see claim 4.

Regarding claim 40, see analysis of claims 1 and 5.

Regarding claim 41, see analysis of claim 2.

Regarding claim 42, see analysis of claim 3.

Regarding claim 43, see analysis claim 6

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-10, 16-39 and 44-50 rejected under 35 U.S.C. 103(a) as being unpatentable over Hidary (US 5,778,1821) in view of King et al (US 5,621,428).

Regarding claims 7, 8, 9, 10, 16 and 19 Hidary discloses a method comprising:

- as specified in claim 7, the displaying step comprises displaying the video stream only in the areas of the hyperlink overlays (URL) (Hidary; Col.5, lines 34-59);
- as specified in claim 8, the displaying step comprises displaying the video stream only in the areas of the hyperlink overlays (Hidary; Col.5, lines 34-59); launching an HTML-compatible browser to display the hyperlink overlays (Hidary; Col.4, lines 64 – Col.5, line12).
- as specified in claim 10, launching an HTML-compatible browser to display the hyperlink overlays (URL) (Hidary; Col.4, lines 64 – Col.5, line12).
- as specified in claim 16, transmitting a video stream (Hidary; Col.4, lines 12-15); formatting HTML files (Web pages) having instructions for rendering hyperlink pages (URL) (see URL encoder 8, Fig.1) associating the HTML files with the video stream (Hidary; Col.5, lines 45-64) display the hyperlink pages on the display(Hidary, Col.3,

lines 64-67); displaying the video stream only in the areas of the hyperlink pages (Hidary; Col.5, lines 34-59);

- as specified in claim 19, the displaying step comprises displaying the video stream only in the display areas (Hidary; Col.5, lines 34-59);

Hidary fails to specifically disclose the formatting step comprises setting transparent areas of each hyperlink overlays/pages to a key color (claims 7, 8, 9, 10 and 16), to display the video stream only in the areas of the hyperlink overlays/pages that are set to a key color (claims 7, 8 and 16), and to display the hyperlink overlays/pages, the video stream using color keying video hardware that displays video only in the display areas that are set to a key color (claims 9, 10 and 19).

King shows the formatting step comprises setting transparent areas of each hyperlink overlay/pages to a key color (King; Col. 6, lines 55-61) (claims 7, 8, 9, 10 and 16), to display the video stream only in the areas of the hyperlink overlays/pages that are set to a key color (King; Col.6, lines 62-65) (claims 7, 8 and 16), and to display the hyperlink overlays/pages, the video stream using color keying video hardware that displays video only in the display areas that are set to a key color (King; Fig.2, 3 and 12; Col.4, Summary) (claims 9, 10 and 19). Therefore, it would have been obvious to one in the ordinary skill in the art to use the color key method of King to modify Hidary in order to overcome the misalignment between the

video data and the intended video overlay window on a display screen as stated by King (Col. 4, lines 1-3).

Regarding claim 17, Hidary further discloses a step of transmitting timing specifications with HTML files (Web pages) indicating times for displaying the hyperlink pages (URL) (Hidary; Col.3, lines 60-67), and the step of displaying the hyperlink pages being performed at the times indicated by the timing specifications (Hidary; Col.3, lines 40-45).

Regarding claim 18, 25, 33 and 46 see analysis of claim 6.

Regarding claim 20, 28 and 47 see analysis claim 11.

Regarding claim 21, 29, 37 and 48 see analysis claim 12.

Regarding claim 22, 30, 38 and 49 see analysis claim 13.

Regarding claim 23, 31, 39 and 50 see analysis of claim 14.

Regarding claim 24, 26, 32, 34, 35 and 44 see analysis of claim 7 in combination with claims 8-10, 16 and 19.

Regarding claim 27, see analysis of claim 6 in combination with claims 7-10, 16 and 19.

Regarding claim 36, see analysis of claim 4 in combination with claim 11.

Regarding claim 45, see analysis of claim 3 in combination with claims 7-10, 16, 19.



*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nally et al (US 5889499) shows a system and method for mixing of graphics and video signals.

Shachar (US 5923736) shows a Hypertext Markup Language based telephone apparatus.

Pleyer (US 5883627) shows an advanced graphics controls.

Kunkel et al. (US 5961603) shows an access system and method for providing interactive access to an information source through a networked distribution system.

**Contact Fax Information**

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or Faxed to:**

(703) 308-9051, (for formal communication intended for entry)

**or:**

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


**Contact Information**

**Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

HT:ht  
06/18/00

  
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SUPERVISORY PATENT EXAMINER  
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